

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of
Lillie M. Waugh
Respondent

Civil Citation No. 60017
801 Arncliffe Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 3, 2009, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, failure to maintain all trash in cans on a daily basis on residential property known as 801 Arncliffe Road, 21221.

On May 7, 2009, pursuant to §3-6-205, Baltimore County Code, Inspector Chip Raynor issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Lewis Collins, nephew representing Lillie Waugh and, Chip Raynor, Baltimore County Code Enforcement Inspector.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. Five Correction Notices were issued, including on November 5, 2008; February 19, 2009; and March 11, 2009, for improper storage of garbage in cans with tight-fitting lids. This Citation was issued on May 7, 2009. Inspector Raynor testified that Citations were not previously issued because the property was brought into compliance after each Correction Notice. He further testified that the property has never been in compliance with code requirements for more than two weeks. He testified that there are fourteen trashcans and there appears to be a large number of residents in the property.

B. Photographs in the file show multiple garbage cans overflowing with bagged garbage, and bags of garbage on the ground and on the back porch. Photographs also show junk and furniture in the yard and on the back porch. This violates prohibitions against accumulation of trash and debris on residential property, violates requirements for the proper storage of garbage, and creates possible harborage for rats.

C. Mr. Lewis Collins, nephew of Respondent, testified that the family is giving non-relatives thirty day eviction notices and will be reducing the number of residents in the house. He further testified that a lot of cleanup has been done and that the violations will be corrected. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if violations are corrected, with all garbage properly stored in cans with tight-fitting lids and all junk and debris removed from the property, by July 10, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 22nd day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.